



Federal Communications Commission
Washington, D.C. 20554

March 29, 2018

DA 18-315

David Sheekey
Product and Approvals Manager
Ocean Signal
Unit 4, Ocivan Way
Margate, Kent CT9 4NN
United Kingdom

RE: Ocean Signal rescueME MOB1 Marine Survivor Locating Device

Dear Mr. Sheekey:

On January 17, 2018, the Wireless Telecommunications Bureau's Mobility Division (Division) granted Ocean Signal a temporary waiver of section 95.2991(b) of the Commission's rules to permit manufacture, importation, and sale in the United States of the Ocean Signal rescueME MOB1 Maritime Survivor Locating Device until March 30, 2018.¹ On March 7, 2018, you requested an extension of the temporary waiver.² For the reasons set forth below, the request is granted, and the waiver is extended to June 30, 2018.

Background. Until 2017, Maritime Survivor Locating Device (MSLDs), which are intended for use by persons at risk of falling into the water such as mariners and workers on marine installations or docks, or by divers returning to the surface out of sight of their dive boats, were not authorized under the Commission's rules, because they do not meet the technical requirements for Emergency Position Indicating Radio Beacons. The Division, however, permitted the certification and use of certain MSLDs,³ including the rescueME MOB1,⁴ by waiver because they contribute to maritime safety.

In 2016, the Commission amended its part 95 rules to authorize MSLDs that meet the technical and performance standards in RTCM Standard 11901.1.⁵ It provided that MSLDs previously approved by

¹ See David Sheekey, Letter Order, 33 FCC Rcd 171 (WTB MD 2018).

² See E-mail from David Sheekey, Product and Approvals Manager, Ocean Signal, to Tim Maguire, Federal Communications Commission (Mar. 7, 2018); see also E-mail from David Sheekey, Product and Approvals Manager, Ocean Signal, to Tim Maguire, Federal Communications Commission (Mar. 23, 2018) (providing additional information in response to Division staff's questions).

³ *Amendment of the Commission's Rules Regarding Maritime Radio Equipment and Related Matters, et al.*, Notice of Proposed Rulemaking, 29 FCC Rcd 2516, 2522, n.47 (2014) (listing examples).

⁴ The FCC equipment authorization is XYEMOB1.

⁵ See *Amendment of the Commission's Rules Regarding Maritime Radio Equipment and Related Matters, et al.*, Report and Order, 31 FCC Rcd 10300, 10308, para. 20 (2016).

waiver that do not comply with that standard could not be manufactured, imported, or sold in the United States, beginning January 17, 2018 (one year after the effective date of the rule changes).⁶

On January 17, 2018, the Division granted Ocean Signal a temporary extension of the deadline. Ocean Signal explained that the rescueME MOB1 meets the technical and performance standards in RTCM Standard 11901.1, and was submitted for testing to an accredited test lab in 2017, but the lab would not complete its testing by January 17, 2018. In order to provide sufficient time to obtain equipment authorization under the part 95 rules, the waiver was granted until March 30, 2018.

On March 7, 2018, you requested an extension of the temporary waiver. You state that additional time is needed to resolve inconsistencies in the test results from the test lab. While you are confident that the device meets the required technical and performance standards, the inconsistencies in the test report must be corrected and resolved before you can proceed with the approval of the device.

Section 1.925 of the Commission's rules provides that we may grant a waiver if it is shown that (a) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and grant of the requested waiver would be in the public interest; or (b) in light of unique or unusual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.⁷ We conclude that purpose of the rule and the public interest would be served by a brief waiver to avoid disrupting the availability of a device that previously was found to be in the public interest, and which is expected to be found to comply with the current rules. We therefore grant the request, and waive section 95.2991(b) of the Commission's rules for the Ocean Signal rescueME MOB1 Marine Survivor Locating Device until June 30, 2018.

Accordingly, IT IS ORDERED that the waiver extension request of Ocean Signal, dated March 7, 2018, IS GRANTED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁶ 47 CFR § 95.2991(b). This provision initially was codified as 47 CFR § 95.1403(c), but was renumbered as part of a reorganization of the part 95 rules. See *Review of the Commission's Part 95 Personal Service Rules; Petition for Rulemaking of Garmin International, Inc.; Petition for Rulemaking off Omnitronics, L.L.C.*, Report and Order, 32 FCC Rcd 4295 (2017).

⁷ 47 C.F.R. § 1.925(b)(3); see also *WAIT Radio v FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).